



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

August 18, 2009

Mr. Ralph Valenzuela, Labor Relations Representative  
Southern California District Council of Laborers, Organizing Department  
4401 Santa Anita Avenue, Suite 214  
El Monte, CA 91731

**SUBJECT: REHABILITATION OF TUSTIN AVENUE (15<sup>TH</sup> STREET TO 17TH STREET) CITY PROJECT NO. 9-15 – PROTEST OF BID SUBMITTED BY C.J. CONCRETE CONSTRUCTION, INC.**

Dear Mr. Valenzuela:

The City is in receipt of your letter dated August 11, 2009 protesting the bid submitted by C.J. Concrete Construction, Inc. As you have noted, the proposal page P-4 requests bidders to list references within the last 24 months to evaluate the contractors experience in terms of recent experience on relevant public works projects. If the references are found to be inadequate, irrelevant, the City may request additional references be submitted to evaluate the contractors experience to determine if they are a responsible bidder.

The City's review of the proposal submitted by C.J. Concrete Construction, Inc. notes that the references submitted in the subject bid exceed the 24 month time period specified. As mentioned to you in the previous letter dated July 28, 2009, City staff has reviewed the references included in the bid submitted by C.J. Concrete Construction, Inc., as well as additional more recent references submitted by your firm, and found the firm indeed demonstrates the necessary skill and expertise to perform the proposed work.

As you know, the City may reserve the right to waive minor irregularities relative to the responsiveness of the bid as long as it does not result in the bid process being unfair or give the low bidder an unfair advantage over the other bidders. The omission of more recent references within the window of the specified 24 months does not give the low bidder an unfair advantage over the other bidders and does not create an unfair bid process. Based on these findings, City staff intends to make a recommendation to the City Council that, although the bid included references that exceeded the specified 24 month time period, this irregularity is minor in nature and should be waived; and that the contract be awarded to C.J. Concrete Construction, Inc. at the regular City Council Meeting on September 1, 2009.

Please contact this office if you have any questions.

Sincerely,

Thomas L. Banks, P.E.  
Senior Engineer

c: Ernesto Muñoz, City Engineer  
Susan Santoro, Assistant Engineer



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

July 28, 2009

Mr. Ralph Valenzuela, Labor Relations Representative  
Southern California District Council of Laborers Organizing Department  
4401 Santa Anita Avenue, Suite 214  
El Monte, CA 91731

**SUBJECT: REHABILITATION OF TUSTIN AVENUE (FROM 15<sup>TH</sup> STREET TO 17<sup>TH</sup> STREET)  
CITY PROJECT NO. 09-15 – PROTEST OF BID SUBMITTED BY C.J.  
CONCRETE CONSTRUCTION, INC.**

Dear Mr. Valenzuela:

The City is in receipt of your letter dated July 17, 2009 protesting the bid submitted by C.J. Concrete Construction, Inc. The City has reviewed the information submitted in your letter and offers the following response.

The proposal page P-4 requests bidders to list references within the last 24 months to evaluate the contractors experience in terms of recent experience on relevant public works projects. If the references are found to be inadequate or irrelevant, the City may request additional references be submitted to evaluate the contractors experience to determine if they are a responsible bidder.

The City has reviewed the references submitted by the contractor in their bid as well as the additional project references submitted by your firm. All references which responded were found to be satisfactory. In addition to this, C.J. Concrete Construction, Inc. has successfully completed a previous public works contract with the City of Costa Mesa, and is currently in progress with another construction contract with the City. The firm's progress to date has been satisfactory. The firm has demonstrated to be responsible as well as responsive to the City's contract requirements.

The license and references for C.J. Concrete Construction, Inc. have been reviewed and found to meet the requirements of the contract documents for this project.

Based on the information and findings above, the City finds no grounds to reject the bid submitted by C.J. Concrete Construction, Inc. Therefore, City staff intends to proceed with a recommendation to City Council that the contract be awarded to C.J. Concrete Construction, Inc. at the regular City Council Meeting on September 1, 2009.

Please contact this office if you have any questions.

Sincerely,

Susan Santoro  
Assistant Engineer

c: Ernesto Muñoz, City Engineer  
Thomas L. Banks, Senior Engineer